

The Hon. David W. Christel

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TRAVELERS PROPERTY CASUALTY COMPANY
OF AMERICA, a foreign insurer,

Plaintiffs,

WALSH CONSTRUCTION COMPANY II, LLC, an Illinois Limited Liability Company; and ARCH SPECIALTY INSURANCE COMPANY, a foreign insurer,

Defendants.

WALSH CONSTRUCTION COMPANY II, LLC, an Illinois Limited Liability Company.

Third Party Plaintiff,

V.

GREENWICH INSURANCE COMPANY, a foreign insurer

Third Party Defendant.

No. 2:22-cv-0589 DWC

**STIPULATED MOTION AND
ORDER STAYING CERTAIN
ISSUES RELATED TO THE
DUTY TO INDEMNIFY AND
WALSH CONSTRUCTION
COMPANY II, LLC'S
EXTRACONTRACTUAL
CLAIMS**

STIPULATED MOTION AND ORDER STAYING AND BIFURCATING
CERTAIN ISSUES RELATED TO INDEMNITY AND WALSH'S
EXTRACONTRACTUAL CLAUSES

EXTRACONTRACTUAL CLAIMS

Travelers v. Walsh Construction Co., II, et al., Case No. 20-cv-0589-DWC

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1 Per the parties' stipulation, on July 28, 2023, the Court will hear summary judgment
 2 motions pertaining to whether Walsh Construction Company II, LLC ("Walsh") has tendered its
 3 defense to Arch Specialty Insurance Company ("Arch") and the other insurers' duty to defend
 4 Walsh in the underlying *King County v. Walsh* litigation. *See* Dkt. # 43. ("the Underlying Case")
 5 Depending on the outcome of these Motions, the issues, proof, and questions of law at issue in this
 6 coverage action may be simplified. Additionally, the Underlying Case continues in litigation, with
 7 its trial date stricken, a stay entered while discretionary review sought, and a recent Court of
 8 Appeals decision remanding the Underlying Case for further proceedings. Therefore the results
 9 in the Underlying case will not be known for some time, and probably not before the Parties hereto
 10 in the coverage case are set to complete discovery, motion practice and a seven day jury trial set
 11 for February 5, 2024. The outcome of the Underlying Litigation will impact many of the issues,
 12 proof, and questions of law at issue in this action.

13 Accordingly, the parties have conferred and agree that it is in the best interests of all parties,
 14 and for the efficiency of the Court, that the Court strike the trial date in this matter along with all
 15 pre-trial deadlines. The parties also agree to stay all discovery and motion practice related to
 16 Walsh's extra-contractual claims and any issues related to indemnity coverage under any policy
 17 that is determined to provide Walsh with a duty to defend. This stay does not impact the currently
 18 pending motions, Travelers' claims against Arch, and issues of whether Walsh is entitled to
 19 defense or indemnity coverage under the terms of the "additional insured" endorsements in the
 20 Travelers and Greenwich policies.

21 The Parties also agree that the Court order them to present a Joint Status Report within
 22 thirty (30) days of the Court's ruling on the Motions to be heard on July 28, 2023, advising the
 23 Court as to whether any matters remain at issue for trial and if so, arrange for an Amended Order
 24 Setting Trial Date and related Dates.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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21 STIPULATED MOTION AND ORDER STAYING AND BIFURCATING
22 CERTAIN ISSUES RELATED TO INDEMNITY AND WALSH'S
23 EXTRACONTRACTUAL CLAIMS

24 Travelers v. Walsh Construction Co. II, et al., Case No. 20-cv-0589-DWC

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PURSUANT TO STIPULATION.

IT IS SO ORDERED that all discovery and motion practice not related to Travelers' claims against Arch and the duty to defend, with the exception of issues relating to whether Walsh is entitled to defense or indemnity coverage under the terms of the "additional insured" endorsements in the Travelers and Greenwich policies, are stayed.

IT IS FURTHER ORDERED that the trial date in this matter along with all pre-trial deadlines are stricken.

IT IS FURTHER ORDERED that the parties shall advise the Court as to whether any matters remain at issue for trial and if so, arrange for an Amended Order Setting Trial Date and related Dates, within thirty (30) days of the Court's ruling on the Motions that are noted for the Court's consideration on July 28, 2023.

DATED this 11th day of July, 2023.

Mrs Christel

David W. Christel
Chief United States Magistrate Judge

**STIPULATED MOTION AND ORDER STAYING AND BIFURCATING
CERTAIN ISSUES RELATED TO INDEMNITY AND WALSH'S
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